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AUG 10 2007

Attorney's Docket: 2002DE137  
Serial No.: 10/529,827  
Group: 1621REMARKS

The Office Action mailed April 10, 2007, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-19 are pending in this Application. Claims 12, 13 and 15-18 are withdrawn from consideration as being drawn to an elected species. By this Amendment, Applicant has amended claims 1-10 and 19. Claims 11 and 14 have been cancelled. Therefore the claims under consideration are believed to include claims 1-10 and 19.

Claim Rejections Under 35 USC § 112, Second Paragraph

Claim 1 stands rejected under 35 USC § 112, second paragraph, as being indefinite. Specifically, the Office states "it is unclear whether the applicant is claiming a method of preparation . . . or a claiming composition." Claim 1 has been amended to clarify that a composition is being claimed by the addition of the language "[a] pigment dispersing composition." With this Amendment, it is believed that the 35 USC § 112, second paragraph, rejection has been overcome.

Claim Rejections Under 35 USC § 102

Claims 1-2, 5-7 and 9-10 stand rejected under 35 USC § 102(b) as being anticipated by Hirose et al. (U.S. 5,436,006). This rejection is respectfully overcome.

Applicant has amended independent claim 1 to import the subject matter of now cancelled claim 14 by specifically reciting "[a] pigment dispersing composition."

Attorney's Docket: 2002DE137  
Serial No.: 10/529,827  
Group: 1621

In view thereof, it is respectfully contended that Applicant's invention, as claimed, is not anticipated by Hirose et al.

Claim Rejections Under 35 USC § 103

Claims 1-11, 14 and 19 stand rejected under 35 USC § 103(a) as being unpatentable over Hirose et al. (U.S. 5,436,006) in view of Snel et al. (U.S. 4,274,899) and Werner et al. (U.S. 4,581,387). This rejection is respectfully overcome.

As discussed above, independent claim 1 has been amended to recite a pigment dispersing composition comprising an ester or a partial ester of a polyhydric alcohol and carboxylic acids. None of the three references cited by the Office in support of § 103 rejection provides any motivation for one with ordinary skill in the art to recognize a pigment dispersing composition can be made from the above referenced chemical compounds. Specifically, Hirose et al., Snel et al and Werner et al. are entirely silent concerning a pigment dispersing composition. Simply put, there exists nothing within such references that would motivate one with ordinary skill in the art to arrive at the conclusion that one could provide an effective pigment dispersing composition by using the constituents as claimed in claim 1. As there exists no motivation found in the prior art for one to use the constituents as claimed in a pigment dispersing composition, it is respectfully contended that there can not be motivation, which in turn, prevents the imposition of a § 103 rejection. It is further Applicant's respectful contention that any motivation for one with ordinary skill in the art to alter the aforementioned references to arrive at the instant claimed invention can only come from impermissible hindsight gained by knowledge of Applicant's disclosure as such references are entirely silent concerning pigment dispersing compositions.

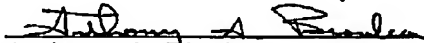
For at least these reasons, it is respectfully contended that independent claim 1, as amended, and all claims depending there from, are not made obvious by any

Attorney's Docket: 2002DE137  
Serial No.: 10/529,827  
Group: 1621

combination of Hirose et al. in view of Snel et al. and Werner et al. In consequence, Applicant courteously solicits reconsideration and withdrawal of the rejection.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Office disagrees, the Examiner is requested to contact the attorney for Applicant at the telephone number provided below.

Respectfully submitted,

  
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